

CHAPTER 2  
CALIFORNIA VEHICLE CODE AND REFERENCE SOURCES  
RELATING TO ABANDONED VEHICLES

1. PURPOSE. This chapter provides a brief summary of California Vehicle Code (VC) laws directly relating to the abatement of abandoned vehicles. Additional VC sections are located in Annex 2-A-1 and are intended to provide further reference material for the development of Abandoned Vehicle Abatement (AVA) Plans.
  
2. ABANDONED VEHICLE TRUST FUND.
  - a. Section 9250.7 VC establishes the funding source for the abatement of abandoned vehicles by a county-based Service Authority (hereinafter referred to as “Authority”), pursuant to the provisions of Section 22710 VC. The VC imposes a service fee of one dollar (\$1) on vehicles registered to an owner with an address in the county that established the Authority, except for those vehicles that are specifically exempted. The fee is collected by the Department of Motor Vehicles (DMV) at the time of registration or renewal of registration.
  
  - b. In addition to the one dollar (\$1) service fee and upon implementation of the Permanent Trailer Plate Identification Program, all commercial vehicles registered to an owner with an address in the county that establishes an Authority under this section, shall pay an additional service fee of two dollars (\$2). This fee is collected under the Commercial Vehicle Registration Act of 2001 and is not included in funding for the AVA Program.
  
  - c. The Department of Motor Vehicles deducts its administrative costs, at least quarterly, they transmit the net amount collected to the State Controller (SC) for deposit in the Abandoned Vehicle Trust Fund. All money in the fund is continuously appropriated by the SC for allocation to Authorities that have an approved AVA Program pursuant to Section 22710 VC, and for payment of the administrative costs of the SC. The SC may suspend fees from an Authority if the AVA funds are not expended within 90 days of the close of the fiscal year in which funds were received. One other stipulation is that the Authority must have been in existence for at least two full fiscal years. The Vehicle Code also requires the amount of funds allocated to exceed the

amount expended by the Authority for the abatement of abandoned vehicles in the previous fiscal year.

d. Every Authority shall issue a fiscal year-end report to the SC on or before October 31<sup>st</sup> of each year. The report shall only contain the five required summaries as outlined in 9250.7 VC (Refer to Annex 2-A-2). If the Authority fails to submit a report by November 30<sup>th</sup> of each fiscal year, the SC shall suspend the Authority's funding for one year. The SC shall review the fiscal year-end reports and determine if fees are being utilized in a manner consistent with the AVA Program. If not, the Authority's funding shall be suspended for one year and the SC shall notify DMV that the authority to collect fees has been suspended. The SC shall prepare and submit to the Legislature an annual revenue and expenditure summary for each Authority participating in the program.

e. The fee imposed by an Authority shall remain in effect only for a period of 10 years from the date that the actual collection of the fee commenced. The Authority may elect to extend the fee in increments of up to 10 years each if the Board of Supervisors of the County, by a two-thirds vote, and a majority of the cities having a majority of the incorporated population within the county, adopt resolutions providing for the extension.

3. ABANDONMENT PROHIBITED. Section 22523 VC does not define an abandoned vehicle. Section 22523 VC establishes that no person shall abandon a vehicle upon any highway, public, or private property without the consent of the owner or person in lawful possession or control of the property. Any person convicted of a violation of this section shall be punished by a fine of not less than one hundred dollars (\$100), and shall provide proof that the costs of removal and disposition of the vehicle have been paid. The fine may be paid in installments if the court determines that the defendant is unable to pay the entire amount in one payment.

4. CIRCUMSTANCES PERMITTING REMOVAL.

a. Section 22651 VC.

(1) Section 22651(k) VC states that when any vehicle is left parked or standing upon a highway for 72 or more consecutive hours in violation of a local ordinance authorizing its removal, it may be removed. However, violation of Section 22651(k) VC cannot be used as the basis for the vehicle's abatement. If a code enforcement officer wishes to abate the

vehicle as abandoned when in violation of Section 22651(k) VC, the vehicle must be cited and issued a “10-day notice of intention to abate and remove the vehicle,” per Section 22661(d) VC.

NOTE: For example, a vehicle is left upon a highway for 72 hours and is towed for violation of the local ordinance. The towing charges may not be assigned to the AVA Program because the vehicle was not considered abandoned and abated in compliance with the 10-day notice requirement of Section 22661(d) VC.

NOTE: For example, a vehicle is left upon a highway and is immediately noticed in compliance with 22661(d) VC. Although the vehicle may be towed after 72 hours, the vehicle is left for 10 days to comply with notice requirements. After the 10-day period has elapsed to establish abandonment, towing fees may be charged to the AVA Program.

(2) Section 22651(o) VC authorizes removal of a vehicle with a registration expiration date in excess of six months when found upon a highway, any public lands, or an off-street parking facility. Violation of Section 22651(o) VC permits the removal the vehicle but cannot be used as the basis for establishing the vehicle’s abatement.

NOTE: Consistent with the examples above, a vehicle left upon a highway for 72 hours may be legally towed for violation of 22651(o) VC. However, to permit assignment to the AVA Program for reimbursement of expenses as an abandoned vehicle, the vehicle must be noticed in compliance with 22661(d) VC and removed after the 10-day period has elapsed.

b. Section 22669 VC. Section 22669(d) VC allows for the immediate removal of any vehicle which is lacking an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely upon a highway and has been declared a hazard to public health, safety, and welfare by a peace officer or designated employee of a state, county, or city.

NOTE: For example, a vehicle missing a door, or any part required for the vehicle to be operated safely upon the highway, or is leaking a hazardous fluid is parked upon the highway. This is a violation of Section 22669(d) VC and the vehicle may be immediately removed as a hazard to public safety. This qualifies as an abandoned vehicle and towing fees may be charged to the AVA Program.

5. AUTHORITY FOR THE ABATEMENT OF ABANDONED VEHICLES.

- a. Section 22710 VC. establishes the authority for abandoned vehicle abatement. The Authority may adopt an ordinance to establish procedures for the abatement, removal, and disposal as public nuisance of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property.
- b. Section 22660 VC. establishes procedures for abandoned vehicle abatement as public nuisances on private or public property through an ordinance which may be reimbursable through the AVA Program.
- c. Section 22661 VC. establishes what procedures shall be contained in a local ordinance for the removal of abandoned vehicles including requirements for a 10-day notice of intention to abate and remove the vehicle.